

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF ARIZONA**  
**Minute Entry**

**Hearing Information:**

**Debtor:** John Preston Smith  
**Case Number:** 2:09-bk-23113-RJH      **Chapter:** 13  
**Date / Time / Room:** MONDAY, AUGUST 09, 2010 01:30 PM 6TH FLOOR #603  
**Bankruptcy Judge:** RANDOLPH J. HAINES  
**Courtroom Clerk:** JANET SMITH  
**Reporter / ECR:** SHERI FLETCHER

**Matters:**

- 1) PRELIMINARY HEARING ON MOTION FOR RELIEF FROM STAY FILED BY AURORA LOAN SERVIDES  
R / M #: 33 / 0
- 2) PRELIMINARY HEARING ON MOTION FOR RELIEF FROM STAY FILED BY CHASE HOME FINANCE  
R / M #: 39 / 0
- 3) NON-EVIDENTIARY PLAN CONFIRMATION HEARING  
R / M #: 0 / 0

**Appearances:**

LAWRENCE D. HIRSCH, ATTORNEY FOR JOHN PRESTON SMITH  
DARYL DORSEY, ATTORNEY FOR CHASE  
KYLE JAMES SHELTON, ATTORNEY FOR AURORA LOAN SERVICES

**Proceedings:**

ITEM #3

Mr. Hirsch urged the plan citing case law supporting his position.

Mr. Dorsey reviewed his objection also citing case law supporting his position.

COURT: FINDINGS OF FACT AND CONCLUSIONS OF LAW WERE STATED ON THE RECORD. THE COURT FINDS THE DEBTORS PLAN IS NOT CONFIRMABLE.

Mr. Hirsch stated he will talk to the debtor and will file an amended plan within 30 days or convert the case.

ITEM #1 & #2

Parties agreed to continue the preliminary hearings.

COURT: NO FURTHER HEARINGS WILL BE SET AT THIS TIME.